

L. D. SUGG.

FEBRUARY 2, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COOPER, of Texas, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 1373.]

The Committee on War Claims, to whom was referred the bill (H. R. 1373) for the relief of L. D. Sugg, having had the same under consideration, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, hereto attached and made a part of this report.

Your committee recommend the passage of this bill.

[House Report No. 3464, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred House bill 10015, submit the following report:

This claim has been before Congress by bill and petition for several sessions. The claimant is L. D. Sugg, a farmer, who resided during 1863 and since that time in Lincoln County, Tenn. It appears from the proof that he was a quiet, good citizen; that he gave no encouragement to the rebellion, and when the Union Army arrived in his country he went forward and took the oath of allegiance. The copy of the oath is on file with the proof, and shows that it was taken by him July 27, 1863. The schedule showing his losses is as follows:

17 head of horses	\$2, 550. 00
6 mules	780. 00
80 sheep	320. 00
5,700 pounds of bacon	712. 50
2,460 bushels of corn	2, 360. 00
630 cords of wood	3, 150. 00
6,000 pounds of beef	600. 00
78 tons of hay	1, 560. 00
7 tierces of lard (2,240 pounds)	336. 00
Wagon and harness	300. 00
Total	12, 668. 50

It appears from the proof on file that a portion of this property was taken and used by the Army before the claimant took the oath of allegiance, to wit, on July 13, 1863, by Col. Robert Galbraith's command, First Middle Tennessee Cavalry, and other cavalry regiments. The remainder was taken during the month of November, 1863. When the claimant took the oath of allegiance at Fayetteville, Tenn., on the day named above, he was furnished with protection papers by the United States officer

in command there. This paper was such only as was given to loyal men, friends of the Union cause. It is in these words:

HEADQUARTERS UNITED STATES FORCES,
Fayetteville, Tenn., July 27, 1863.

A safeguard is hereby granted to L. D. Sugg, person and property, except forage. All officers, soldiers, and employees of this command are hereby required to respect the same.

By order of Col. Eli Long.

T. J. PATTIN,
Major and Provost-Marshal.

The claimant began proceedings to collect the money due him very soon after the war. The Quartermaster-General sent a special agent of the Department to the neighborhood to investigate the claim and make report. This agent took considerable proof and submitted his report. By some arbitrary rule, not set forth in any way, this agent reports that the claim should be reduced to \$5,500, if allowed. He thinks the value placed on the articles was too high, and without proof he makes this reduction. But he finds the proof insufficient on the question of loyalty, because, as he says, "claimant's loyalty is not certified by a United States officer in his application." He therefore recommends the rejection of the claim. This is manifestly unjust to claimant. It is true claimant, in his proof, says "he was opposed to secession at the outset, but after his State seceded he was with his State and people." Yet the proof is perfectly clear he did nothing and said nothing showing disloyalty. On the other hand, as set forth, he availed himself of the very first opportunity to take the oath of allegiance to the Union, and he studiously and faithfully observed it. Claimant says, in his affidavit on file in this cause, that "he was opposed to disunion, but when his State voted to leave the Union he acquiesced in that action," but that when he "took and subscribed to the oath of allegiance to the Government it was in perfect good faith, and was done voluntarily, in compliance with the general orders of the proper authorities made public at the time, and that he at no time took any part whatever in the war, and that he maintained said oath of allegiance in true faith at all times."

The proof shows claimant to be a man of probity, of character, and of perfect veracity. The committee have no doubt that injustice was done him by the Department in acting upon the report of the special agent and disallowing his claim for want of proof of loyalty. There might be some reason in finding him not loyal before July 27, 1863, the date of taking the oath by him, but certainly not subsequently to that time. It is not clear but that the Quartermaster-General acted upon the assumption that the proof did not show that the property was taken after the claimant took the oath. He bases his action upon the ground that the property may have been taken before claimant took the oath. The report of the special agent bears date November 18, 1878. Subsequent proof to this report, on file, shows that nearly all the property was taken in November, 1863, by the army of General Sherman, while en route from Vicksburg to Chattanooga. The time is clearly shown, and it being in November, it was nearly four months after he had taken the oath of allegiance.

The committee are clearly satisfied of the loyalty of claimant. He was unquestionably loyal after July 27, 1863, the day he took the oath, and when he received protection papers for himself and property from the United States officers in command in that section of country.

While the committee are also satisfied that claimant's loss was considerably more than \$5,500, yet, as stated, the special agent of the Department having placed it at that sum, it is adopted by the majority of the committee. The writer of this report thinks the whole amount should be allowed claimant.

Your committee therefore report the accompanying bill, H. R. 10015, and recommend its passage.